

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA	)	
	)	
v.	)	Criminal No. 01-455-A
	)	
ZACARIAS MOUSSAOUI,	)	
Defendant	)	

GOVERNMENT’S MOTION TO LIFT STAY AND SET TRIAL DATE

The United States respectfully requests the Court to lift the stay in this case and set a trial date:

1. On December 2, 2004, the Court ordered: “Until the Supreme Court has ruled on the petition [for *certiorari*], and on defendant’s appeal if the petition is granted, this case will remain stayed . . . .”

2. On March 21, 2005, the Supreme Court denied defendant’s petition for *certiorari*.

Therefore, the Court should lift the stay and set a trial date.

3. In the Court’s Order of November 5, 2003 (docket no. 1111), the Court ordered “that no trial date will be set sooner than 180 days after the return of the mandate if this case remains a capital prosecution . . . .” One hundred and eighty days from March 21, 2005 – the date the defendant’s petition for *certiorari* was denied – is September 21, 2005.

4. The Government respectfully requests that the Court schedule jury selection to begin on Monday, October 3, 2005. We suggest that the Court reserve one month for jury selection for the reasons that we set forth in our previously filed Motion to Set Trial date (docket no. 1199).

We further request that opening statements/testimony be scheduled to begin on October 31,

2005. Based on this schedule, the Government estimates that the guilt phase will conclude shortly before the holidays. If the jury convicts the defendant of a death-eligible offense, the Government suggests that the penalty phase should begin on January 4, 2006.

Respectfully submitted,

Paul J. McNulty  
United States Attorney

By:                     /s/                      
 Robert A. Spencer  
 David J. Novak  
 David Raskin  
 Assistant United States Attorneys

Certificate of Service

I certify that on the \_\_\_ day of March, 2005, a copy of the foregoing Government's

Motion was faxed and mailed to the following:

Edward B. MacMahon, Jr., Esquire  
107 East Washington Street  
P.O. Box 903  
Middleburg, Virginia 20118  
(540) 687-3902  
fax: (540) 687-6366

Frank W. Dunham, Jr., Esquire  
Public Defender's Office  
Eastern District of Virginia  
1650 King Street  
Alexandria, Virginia 22314  
(703) 600-0808  
Fax: (703) 600-0880

Alan H. Yamamoto, Esquire  
108 N. Alfred Street  
Alexandria, Virginia 22314  
(703) 684-4700  
fax: (703) 684-9700

\_\_\_\_\_/s/  
David J. Novak  
Assistant United States Attorney